

## REMARKS

Claims 1-26 remain pending in the instant application. Claims 1-26 presently stand rejected. Claims 1, 16, and 23 are amended herein. Claims 2, 17, and 24 are hereby cancelled without prejudice. Entry of this amendment and reconsideration of the pending claims are respectfully requested.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1, 2, 4-6, 9-13, 15-19, 21-24, and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chen et al. (US Patent 6,975,638 B1).

A claim is anticipated only if each and every element of the claim is found in a single reference. M.P.E.P § 2131 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the claim.” M.P.E.P. § 2131 (citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226 (Fed. Cir. 1989)).

Independent claim 1 has been amended to include subject matter of dependent claim 2 (now cancelled). Amended independent claim 1 recites, in pertinent part,

classifying each packet into one of a plurality of **flow bundles based on the packet’s destination and path through the switch fabric;**

**mapping each packet into one of a plurality of queues to await transmission based on the flow bundle to which the packet has been classified;**

**regulating rates at which traffic moves out of the queues** with a traffic shaping algorithm; and

scheduling the packets in the queues for transmission to a next destination through the switch fabric.

Applicants respectfully submit that Chen fails to disclose, teach, or suggest mapping packets into queues based on each packet’s destination and path through a switch fabric **and then regulating rates at which traffic moves out of those queues.**

To be sure, the Office Action cites FIG. 7 of Chen and associated text as discloses these elements. However, Chen in fact discloses that packet classifiers C1 and C2 determine packet classification parameters for inbound data packets via a lookup operation into the content addressable memory (CAM). “The lookup results are bundled in an internal-use header and prepended to the data packet in packet FIFO F1.” *Chen*,

col. 7, lines 41-43. Note, when the packets reside in FIFOs F1 and F2 they are not mapped to queues based on flow bundles, which in turn are based on the packet's destination and path through the switch fabric.

Packets in FIFOs F1 and F2 compete for admission into packet pipeline 122, and are admitted based on a round-robin admission policy..." *Chen*, col. 7, lines 46-48. Again, packet pipeline 122 does not map the data packets into queues based on the packet's destination and path through the switch fabric.

While the packets pass through packet pipeline 122, traffic monitor 124 and traffic conditioner 126 refer to the prepended internal-use headers while the packets pass through packet pipeline 122 to implement a random early detection ("RED") algorithm, which may result in packet pipeline 122 dropping a packet before it will be queued in MMU 132. *Chen*, col. 7, lines 63-67; col. 8, lines 19-22. In other words, traffic conditioning is performed on the packets waiting in packet pipeline 122 by traffic monitor 124 and traffic conditioner 126.

If a packet reaches the end of packet pipeline 122, "it will be queued in MMU 132 according to the packet's **switching fabric egress port** and QP." *Chen*, col. 8, lines 23-25. **Accordingly, the data packets are not mapped to a plurality of queues based on their destination until the packets reach MMU 132.**

When rejecting dependent claim 2 (now cancelled), the Office Action stated,

Regarding to claims 2, 17, and 24, *Chen* discloses regulating the rate at which traffic moves out of the queues with a traffic shaping algorithm (col. 7 lines 52-62).

Accordingly, the Office Action cites traffic monitor 124 and traffic conditioner 126 which operate on the packets in packet pipeline 122 as disclosing the claimed traffic shaping algorithm. However, claim 1 recites regulating the rates at which traffic moves out of the queues, and these queues include traffic mapped based on the packets destination and path through a switch fabric. In contrast, *Chen* discloses that data packets are not mapped to queues based on their destination or egress port until MMU 132, which is **after** traffic conditioner 126 has performed its random early detection algorithm on the packets in packet pipeline 122. Accordingly, *Chen* fails to disclose regulating the rate at which traffic **moves out of queues that include packets mapped**

**based on flow bundles into which the packets were classified based on their destination and path through a switch fabric.** In short, Chen discloses a technique that performs rate monitoring **before** packets are mapped to queues based on their destination and therefore teaches the opposite of claim 1, which recites “regulating the rate at which traffic moves out of the queues.”

Consequently, Chen fails to disclose each and every element of claim 1, as required under M.P.E.P. § 2131. Independent claims 11, 16, and 23 include similar novel elements as independent claim 1. Accordingly, withdrawal of the instant §102 rejections of claims 1, 11, 16, and 23 is requested.

The dependent claims are novel over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 102 rejections of the dependent claims be withdrawn.

*Claim Rejections – 35 U.S.C. § 103*

Claims 3, 14, 20, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al in view of Hooman et al (US 7,155,716 B2).

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen et al in view of Duffield et al (US Patent 6,452,933 B1).

“To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art.” M.P.E.P. § 2143.03.

The dependent claims are nonobvious over the prior art of record for at least the same reasons as discussed above in connection with their respective independent claims, in addition to adding further limitations of their own. Accordingly, Applicants respectfully request that the instant § 103 rejections of the dependent claims be withdrawn.

## CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the applicable rejections have been overcome and all claims remaining in the application are presently in condition for allowance. Accordingly, favorable consideration and a Notice of Allowance are earnestly solicited. The Examiner is invited to telephone the undersigned representative at (206) 292-8600 if the Examiner believes that an interview might be useful for any reason.

## CHARGE DEPOSIT ACCOUNT

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Respectfully submitted,

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Date: June 14, 2007

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